

106th TN General Assembly

First Regular Session



Monday, June 15, 2009

SENATE

COMMITTEE REPORTS

FINANCE, WAYS & MEANS – SHR #12 -

Rec. for pass., ref to Calendar – SB's 1579, 1785, 307, 20, 178, 184, 214, 762, 986, 1634, 986, 1634, 1760, 2135, 2159, SJR 335.

Rec. for pass. if am., ref to Calendar – SB's 470, 1561, 1600

Rec. for concur., ref to Calendar – HJR's 369, 382

Action def. – HJR 119, SJR's 11, 140, 647, SB's 517, 803, 2040, 2166, 2284, 2343, 101, 1493, 456, 494, 496, 500, 509, 1519, 1520, 1531, 1534, 1557, 900, 901, 905, 1988, 965, 2112, 650, 1171, 697, 2093, 465, 1083, 1466, 2000, 258, 264, SJR 30, SB's 1362, 1375, 1965, 2239, 176, 672, 673, 1997, 2115, 438, 773, 781, 807, 1203, 311, 1106, 1107, 717, 10, SJR 306, SB's 511, 676, 686

Ref. to Gen. Sub. – HJR 191, SB's 563, 631, 1175, 1715, 2138, 2281, 2290, 2304, 2137

CALENDARS FOR TUESDAY, JUNE 16, 2009

Regular

1. SB 1273 by *Bunch (*HB 0898 by *Watson, Todd, Turner M, Dean, Rich, Evans, Johnson C, McCormick, Eldridge, Lynn, Harrison, Roach, Ford , Niceley, Brooks H, Campfield, Cobb T, Sargent)

Firearms and Ammunition - As introduced, allows persons with handgun carry permit to carry in public parks, public postsecondary institutions, and places where alcoholic beverages are being served; allows judges to carry firearms where law enforcement can carry if they have permit or appropriate training. - Amends TCA Title 39, Chapter 17, Part 13 and Title 70.

2. *SB 1283 by *Bunch (HB 1598 by *Lynn, Kelsey, Evans, Campfield, Watson, Todd, Faulkner, Hill, Hensley, Rich, Eldridge, Brooks K, Lollar, Haynes, Weaver, McDonald, Johnson C, Coley, Moore, Johnson P, Dean, Maggart)

Religion and Religious Organizations - As introduced, prohibits a government entity from substantially burdening a person's free exercise of religion unless it demonstrates the application of the burden is essential to further a compelling government interest and is the least restrictive means of furthering that interest. -

3. SB 1726 by *Bunch (*HB 1379 by *Johnson P, Hardaway, Moore)

Fines and Penalties - As introduced, allows criminal court or clerk to convert a defendant's unpaid fines, costs, and litigation taxes at time of sentence expiration to civil judgment and allows court to enter into agreement with defendant to perform community service work in lieu of payment of such fines, costs, and taxes. - Amends TCA Title 40.

(Senate Regular Calendar cont.)

4. *HJR 0052 by *McDonald, Casada, Turner L, Naifeh, Maddox, Litz, Odom, Winningham, Borchert, Moore, Cobb T, Jones S, Fraley, Tidwell, Sontany, Coleman, Pruitt, Favors, Shaw, Cobb C, Tindell, Fitzhugh, Harmon, Camper, Armstrong, Hackworth, Pitts, Richardson, Hardaway, DeBerry J, Bone, Yokley, Fincher, Turner M, Kernell, Stewart, Shepard, Brown, Gilmore, Mumpower, McDaniel, McCord, Eldridge, Coley, Matheny, Floyd, Cooper B

General Assembly, Statement of Intent or Position - Supports erection of statues honoring Nobel Prize recipients, Cordell Hull and Al Gore, on State Capitol grounds using solely private funds. -

5. *SB 2355 by *Kyle (HB 2392 by *Fitzhugh)

Appropriations - As introduced, makes appropriations for fiscal years 2008-2009 and 2009-2010. -

6. SB 2236 by *Jackson (*HB 2249 by *Fincher, Turner M, Hardaway, Coley)

Handgun Permits - As introduced, requires the department of safety, upon receiving information that a handgun permit applicant or holder does not meet eligibility requirements for a permit, to review the arrest records with the arresting agency and review any records of conviction to determine if the applicant or holder meets the eligibility requirements. - Amends TCA Title 4; Title 8; Title 16; Title 33; Title 38; Title 39; Title 40; Title 49; Title 54; Title 55 and Title 65.

7. HB 1504 by *Coleman (*SB 1280 by *Bunch)

Public Records - As introduced, establishes immunity from civil liability for persons furnishing, disclosing, or requesting information without malice pursuant to public records laws. - Amends TCA Title 8, Chapter 4; Title 8, Chapter 44 and Title 10, Chapter 7.

8. HB 2220 by *Stewart, Dean, Cobb T (*SB 2153 by *Haynes)

Criminal Procedure - As introduced, authorizes use of fingerprint as form of acknowledgment in lieu of, or in addition to, a person's signature for citations and certain other notices and documents. - Amends TCA Title 7, Chapter 63; Title 16, Chapter 1; Title 40, Chapter 7 and Title 55, Chapter 50.

9. SB 1439 by *Haynes (*HB 0472 by *Cobb C, Gilmore)

Safety - As introduced, requires the board of alarms systems contractors to conduct a contested case hearing pursuant to the UAPA when denying an application for license or registration. - Amends TCA Title 62, Chapter 32.

10. HB 0703 by *Watson (*SB 0202 by *Bunch)

Public Records - As introduced, designates as classified and exempt from public disclosure records that are directly related to the security of government buildings. - Amends TCA Title 10, Chapter 7.

11. *SB 1468 by *Haynes, Harper (HB 1432 by *Sontany, Rich, Hensley, Jones S, Moore, Ford, Hardaway, Haynes, Maggart, Dean, Cobb T)

Nuisances - As introduced, includes zoning violations and violations of building and property standards and codes as nuisances for purposes of laws regarding abatement of nuisances. - Amends TCA Title 29, Chapter 3.

12. *HB 2376 by *Shepard, Roach, Ford, Campfield, Bell, Lollar, McCormick, Moore, Montgomery, Weaver, Rich, Evans, Carr, Dean (SB 2334 by *Jackson)

Firearms and Ammunition - As introduced, modifies the methods for disposing of certain confiscated weapons. - Amends TCA Section 39-17-1317.

13. SB 2378 by *Bunch (HB 2411 by *Watson)

Polk County - As introduced, subject to local approval, revises procedure for determining the tax on the privilege of participating in an amusement, to be determined annually by the county legislative body in accordance with established criteria, rather than imposing a set fee. - Amends Chapter 2 of the Private Acts of 1981; as amended.

14. SB 2275 by *Kyle, Finney L, Burks (*HB 2282 by *Ferguson, Turner M, Maddox, Gilmore, Williams, Barker, Fitzhugh, Moore, Coleman, Brown, Miller L, Favors, Sontany, Matheny, Yokley, Montgomery, Harrison, Niceley, Johnson P, Litz, Johnson C, Todd, Faulkner, Brooks H, Hensley, Coley, McDonald, Windle, Fraley, Hackworth, Pruitt, Camper, Sargent, Shepard, McManus, DeBerry L, Hardaway, Fincher, Bone, Shaw, Ford, Bass, Stewart, Dean, Roach, Maggart, Rich, Watson, Haynes, Cobb T, Lollar, Cobb J, Weaver)

Hospitals and Health Care Facilities - As introduced, enacts the "Adult Care Home Act of 2009." - Amends TCA Title 68, Chapter 11 and Title 56, Chapter 32.

(Senate Regular Calendar cont.)

- 15. *SB 0358 by *Johnson, Stanley, Ford, O. (HB 1050 by *Lynn, Kernell, Cobb J)**
Sunset Laws - As introduced, extends Tennessee ethics commission, June 30, 2012. - Amends TCA Title 3, Chapter 6, Part 1 and Title 4, Chapter 29.
- 16. *SB 0371 by *Johnson, Ford, O. (HB 1089 by *Lynn, Kernell, Cobb J)**
Administrative Procedure (UAPA) - As introduced, continues certain permanent rules filed with secretary of state after January 1, 2008. - Amends TCA Title 4, Chapter 5.
- 17. SB 1126 by *Norris, Jackson, Crowe, Gresham (*HB 0959 by *Bass, McCord, Tindell, Todd, Jones U, Williams, Fincher, Watson, Rich, Lollar, Pitts, Evans, Bell, Eldridge, Cobb T, Hardaway, Shipley, Cobb J, Weaver, Dennis, Halford, Hensley, Hawk, Maddox, Faulkner, Johnson P, Hill, McCormick, Montgomery, Harrison, Moore, Haynes, Campfield, Roach)**
Handgun Permits - As introduced, makes information contained in handgun carry permit applications and renewals, information provided to agencies to investigate applicant, and records maintained relative to the permit application confidential and creates Class A fine only misdemeanor of unauthorized publication of permit information or records. - Amends TCA Section 10-7-504 and Title 39, Chapter 17, Part 13.
- 18. *HJR 0059 by *Harmon, Dean, Hardaway**
General Assembly, Studies - Continues special joint committee established by HJR 909 of 105th General Assembly to study Tennessee's transportation funding system. -
- 19. SB 0138 by *Ketron (*HB 0147 by *Tindell)**
Alcoholic Beverages - As introduced, increases from 20 to 25 days time period in which manufacturers and wholesale distributors of beer must register with commissioner. - Amends TCA Title 57.
- 20. SB 1141 by *Gresham (*HB 0670 by *Dennis, Rich, Evans, Watson, Carr, Bell, Haynes, McCormick, Coley, Casada, Shipley, Fincher, Campfield, Hensley, Hill, Coleman, Hawk, Eldridge, Swafford, Lynn, Brooks H, Faulkner, Matlock, Halford, Williams)**
Criminal Procedure - As introduced, requires a keeper of a jail to notify the department of homeland security by facsimile transmission or other means of prisoners whose citizenship status in this country cannot be determined at time of arrest from documents in the prisoner's possession or if person is in this country illegally. - Amends TCA Title 40.
- 21. *SB 1388 by *Johnson, Crowe (HB 1815 by *Lynn)**
Administrative Procedure (UAPA) - As introduced, revises various provisions of the Uniform Administrative Procedures Act. - Amends TCA Title 4, Chapter 5.
- 22. SB 0872 by *Ketron (*HB 0614 by *Todd)**
Election Laws - As introduced, deletes all provisions requiring the purchase of precinct-based optical scanner voting systems only, including language referring to Help America Vote Act funds; deletes mandatory hand count audits of paper ballots created by such machines; deletes language. - Amends TCA Title 2 and Chapter 1108 of the Public Acts of 2008.
- 23. SB 2196 by *Kyle (*HB 2175 by *DeBerry L)**
Taxes, Real Property - As introduced, exempts Shelby County from prohibition against correcting clerical mistakes in tax reports or schedule filed by a taxpayer with the assessor. - Amends TCA Title 67, Chapter 5.
- 24. SB 0532 by *McNally, Finney L, Yager (*HB 0346 by *Hackworth, McDonald, Hensley, Coley, Hardaway, Fincher, Williams, Tidwell, Faulkner, Richardson, Fitzhugh, Bass, Coleman, Bone, Jones S, Moore, Yokley, Cobb C, Harmon, Fraley, Windle, Stewart, Jones U, Cooper B, Turner M, Sontany, Pruitt, Gilmore, Miller L, DeBerry J, Camper, Lollar, Barker, Naifeh, Favors, Cobb T, Curtiss, Ferguson, Brooks H, Haynes, Towns, Evans, Eldridge, Weaver, McManus)**
Tennessee Bureau of Investigation - As introduced, establishes a program for a senior alert system in Tennessee within the TBI in cooperation with local law enforcement agencies for assistance in locating certain disabled persons who are missing. - Amends TCA Title 4, Chapter 51 and Title 38.
- 25. SB 0538 by *Ketron (*HB 0413 by *Bass)**
Animals and Animal Cruelty - As introduced, deletes requirement persons selling dogs and cats at a flea market obtain a license as a dealer from the department of agriculture. - Amends TCA Title 44, Chapter 17, Part 1.

(Senate Regular Calendar cont.)

26. *SB 0878 by *Ketron (HB 1246 by *Curtiss, Evans, Cobb T)

Firefighters - As introduced, requires full-time, part-time, or volunteer firefighters hired or accepted on or after July 1, 2009, to meet certain minimum training requirements. - Amends TCA Title 4, Chapter 24, Part 1.

27. *SB 0969 by *Tracy (HB 1335 by *Harmon, Dean, Fraley)

Special License Plates - As introduced, authorizes issuance of Tennessee Cave Salamander new specialty license plates; proceeds allocated to wildlife resources fund. - Amends TCA Title 55, Chapter 4.

28. SB 1357 by *McNally (*HB 1369 by *Fitzhugh, Williams)

Pensions and Retirement Benefits - As introduced, removes provision whereby any TCRS member who rendered service in a position in which membership in the system was optional and who did not exercise the option to join, may not later receive credit for such period of service unless specifically provided for by law. - Amends TCA Title 8, Chapter 34; Title 8, Chapter 35; Title 8, Chapter 36; Title 8, Chapter 3.

29. *SB 1566 by *Tate (HB 1833 by *Armstrong, Brown, Hardaway, Jones U, DeBerry J, Miller L)

Health Care - As introduced, creates chronic kidney disease task force. -

30. SB 2282 by *Kyle, Jackson, Marrero B (*HB 2295 by *Jones S, Turner M, McDonald, Hardaway, Yokley, Winningham, Montgomery, Fitzhugh, Coley, Hackworth, Bone, Shaw, Camper, Ferguson, Windle)

Juvenile Offenders - As introduced, revises requirements for mental health examinations of juveniles alleged to be delinquent or unruly. - Amends TCA Section 37-1-128(e) and Section 37-1-150.

31. SJR 0230 by *Beavers, Haynes

Naming and Designating - "William Martin Young Bridge," Dixon Creek on State Route 25 in Smith County -

32. *SB 0162 by *Ketron (HB 0506 by *Todd, Lynn)

Sunset Laws - As introduced, transfers the duties of the ethics commission to the registry of election finance if the ethics commission automatically terminates and ceases to exist on June 30, 2009, pursuant to the provisions of the sunset law. - Amends TCA Title 2; Title 3; Title 4 and Title 8.

33. *SB 1522 by *Burchett, Ford, O. (HB 1650 by *Armstrong, Shaw, Miller L)

Public Health - As introduced, adds providing advice to the commissioner of finance and administration concerning the state health plan developed by the state health planning division of the department of finance and administration to the duties of the health equity commission. - Amends TCA Title 3, Chapter 15, Part 4.

34. *SB 2356 by *Kyle (HB 2391 by *Fitzhugh)

Budget Procedures - As introduced, authorizes the index of appropriations from state tax revenues for the 2009-2010 fiscal year to exceed the index of estimated growth in the state's economy by \$210,800,000 or 1.88 percent. - Amends TCA Title 9, Chapter 4, Part 52.

35. SB 2358 by *Kyle (*HB 2390 by *Fitzhugh)

Bond Issues - As introduced, authorizes issuance of bonds to fund state projects. -

Message

1. SB 1092 by *Stanley, Black (*HB 0950 by *Lynn)

Hotels and Restaurants - As introduced, prohibits the commissioner of health, and any county or metropolitan board of health or political subdivision, from enacting an ordinance or issuing any rule or regulation pertaining to the provision of food nutritional information at food service establishments. - Amends TCA Section 68-14-303.

SENATE CONVENES AT 11:00 A.M., TUESDAY, JUNE 16, 2009

HOUSE

COMMITTEE REPORTS

FINANCE, WAYS & MEANS –

Rec. for pass., ref to C&R – HB's 284, 919, 1261, 1963, 448, 409, 782, 1001, 1120, 1972, 1732, 1777, 606, 2193, 589, 961, 1653, 839, 1715.

Rec. for pass. if am., ref to C&R – HB's 1573, 2199, 963, 2038, 348, 607, 1892, 2389, 1749, 2275, 1988, 1756, 1089, 386, 614.

Rec. for adopt., ref to C&R – HR 82, HJR 113, 657.

Rec. for concur., ref to C&R – SJR 352, 622, 324.

SUBCOMMITTEE REPORTS

BUDGET –

Rec. for pass. – HB's 284, 919, 1261, 1963, 448, 409, 2199, 782, 963, 1001, 1120, 1972, 1732, 1777, 348, 606, 2193, 589, 961, 1653, 839, 1715.

Rec. for pass. if am. – HB's 1573, 2038, 607, 1892, 2389, 1749, 2275, 1988, 1756, 1089, 386, 614.

Rec. for adopt – HR 82, HJR 113, 657, 331.

Rec. for concur – SJR 352, 622, 324.

Action def. – HB's 1998, 1649, 198, 2085, 264.

Taken off notice – HB's 1543, 1987.

CALENDARS FOR TUESDAY, JUNE 16, 2009

Consent

1. HJR 0673 by *Gilmore

Memorials, Professional Achievement - Camilla Benbow, Executive Committee of the National Science Board - The Abstract summarizes HJR0673 as introduced.

2. HJR 0674 by *Hensley

Memorials, Recognition - Hester Farm, 2009 Lawrence County Chamber of Commerce Century Farm Award - The Abstract summarizes HJR0674 as introduced.

Regular

1. HB 1525 by *Harwell (*SB 0621 by *Southerland, Ketron)

Schools, Charter - As introduced, removes the prohibition on cyber-based charter schools. - Amends TCA Title 49, Chapter 13, Part 1.

2. *HB 0738 by *Mumpower, Odom, Coley, Hardaway (SB 0819 by *Norris, Marrero B)

Energy - As introduced, enacts the "Tennessee Energy Conservation Endorsement Act of 2009." - Amends TCA Title 65.

3. *HJR 0149 by *McCord, Armstrong, Montgomery, Maggart, Dean, Eldridge, Towns, Coley, Barker, Dunn, Shipley, Lynn, McManus, Carr, Harmon, Hackworth, Stewart, Cobb C, Cobb T, Favors, Brown, Windle, Fitzhugh, Hill, Haynes, Niceley, Johnson C, Brooks H, McCormick, Rich, Bell, Lollar, Yokley, Litz, Evans, Hawk, Halford, Shepard, Weaver, Hensley, Cooper B, Harrison, Roach, McDaniel, Winningham, Ferguson, Faulkner, Bone, Ramsey, Johnson P, Williams, Dennis, Fincher

Constitutional Amendments - Adds provisions establishing the personal right to hunt and fish, subject to reasonable regulations and restrictions prescribed by law. -

4. HB 1045 by *Lynn, Kernell, Cobb J, Hardaway (*SB 0361 by *Johnson, Ford, O.)

Sunset Laws - As introduced, extends collateral pool board, June 30, 2013; requires consideration be given to appointments of persons over 60, women, and members of a racial minority. - Amends TCA Title 4, Chapter 29 and Title 9, Chapter 4. - The Abstract summarizes HB1045 as introduced.

5. HB 1246 by *Curtiss, Evans, Cobb T (*SB 0878 by *Ketron)

Firefighters - As introduced, requires full-time, part-time, or volunteer firefighters hired or accepted on or after July 1, 2009, to meet certain minimum training requirements. - Amends TCA Title 4, Chapter 24, Part 1.

Message

1. ***HB 0237 by *DeBerry J, Hardaway (SB 0039 by *Marrero B)**
Domestic Relations - As introduced, removes the requirement that in a divorce if a guardian ad litem has been appointed by the court, the guardian ad litem must agree to the parenting plan before the court can approve the parenting plan. - Amends TCA Title 36, Chapter 4 and Title 36, Chapter 6.
2. ***HB 1072 by *Lynn, Kernell, Cobb J, Hardaway (SB 1025 by *Johnson, Watson)**
Sunset Laws - As introduced, extends health equity commission, June 30, 2012. - Amends TCA Title 3, Chapter 15 and Title 4, Chapter 29.
3. ***SB 1907 by *Norris, Marrero B, Overbey, Tracy, Crowe, Southerland, Stanley, Woodson, Burchett, McNally, Yager, Watson, Burks (HB 1545 by *DeBerry J, Camper, Hardaway)**
Medicine, Practice of - As introduced, exempts persons licensed by the board of any of the professions of healing arts from liability for civil damages resulting from the delivery of health services for a nominal charge. - Amends TCA Title 63, Chapter 6, Part 7.
4. ***HB 1946 by *Maddox (SB 2091 by *Finney L)**
Growth and Development - As introduced, specifies that if the regional area outside of the municipal boundaries is less than 50 percent of the entire regional area then only one member of a municipal planning commission shall be appointed from the regional area outside the municipal boundaries regardless of the number of members on a municipal planning commission designated as a regional planning commission. - Amends TCA Section 13-3-102.
5. ***HB 2109 by *Floyd, Favors, Evans (SB 2102 by *Watson, Burks)**
Tort Liability and Reform - As introduced, limits the civil liability of persons who own, lease, occupy, or control land when others use such land to engage in certain off-road activities and are injured due to the inherent risks associated with engaging in such activities. - Amends TCA Title 70, Chapter 7.

HOUSE CONVENES AT 9:00 A.M., TUESDAY, JUNE 16, 2009